IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.7089 OF 2005

Chandrakant Tulshiram Lokhande .. ..Applicant

Versus

The State of Maharashtra .. ..Respondent

Mr.S.P.Kadam for applicant

Mr.R.Y.Mirza, APP for respondent

WITH

CRIMINAL APPLICATION NO.7115 FO 2005

Shivram Bhimrao Dhotre and anr. .. ..Applicants

Versus

The State of Maharashtra .. ..Respondent

Mr.S.P.Kadam, for applicants

Mr.R.Y.Mirza, for respondent

CORAM : S.C.DHARMADHIKARI,J.

DATE : 18TH NOVEMBER, 2005

P.C.:

1. Heard Mr.Kadam in support of these Applications and Mr.Mirza, appearing for the State.

2. The Applications for bail made by the applicants in the trial court have been rejected on 7th October, 2005. The Court below has recorded that the investigation is still not complete. Mr. Mirza, APP submits that the position continues and in as much as the identification period is not held. This statement of Mr.Mirza is made after taking instructions from Mr.A.S.Pisal, Investigating Officer, who is personally present in the Court. Shri Kadam makes a grievance that despite 45 days having passed from the alleged incident, the prosecution has not taken any steps to complete the investigation. He submits that the applicants are languishing in jail for last 45 days.

3. In my view, in the light of the fact that the investigation is not complete, this is not a proper stage to consider the applications. It would be open

for the applicants to take such steps as permissible in law, in case the charge-sheet is filed. In case the charge-sheet is filed the applicants are at liberty to move the trial court and make appropriate submissions for the reliefs claimed in the present applications. The order passed by the Trial Court would not come in their way in making applications as aforesaid. The applicants would also be at liberty to point out the lapses on the part of the prosecution in not holding identification parade expeditiously.

4. In view of the aforesaid, the applications stand disposed of.

(S.C.Dharmadhikari, J.)